

REMARKS

Applicant has not amended the claims in the Application, because it is believed that the prior art that has been cited and applied fails to teach or suggest the claims as presently presented. Before addressing the rejections, applicant notes that the drawings originally submitted in this Application were objected to by the Examiner in the Office Action mailed September 10, 2007. Applicant submitted replacement drawing sheets in the Response to Office Action filed December 10, 2007. However, the subsequent and current March 13, 2008 Office Action did not indicate that the drawings were still objected to. It is assumed that the replacement drawings have been accepted.

The Examiner has maintained the rejection under 35 U.S.C. § 103(a) of claims 1-7, 15, 16, and 20. The references cited have been carefully considered together with the present application and it is believed that these claims are not taught or suggested by the prior art of record. Accordingly, Applicant respectfully requests reconsideration of the rejected claims.

More specifically, claims 1-6, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hagen (U.S. Publ. No. 2002/0075844 A1) in view of newly cited Shuen (U.S. Pat. No. 5,572,528). The Examiner admits that Hagen fails to disclose a controller being such as to set up a peer-to-peer connection between a first mobile communications device already receiving a data communication supplying a given service and a second mobile communications device requiring that service as is claimed by Applicant. The Examiner however, asserts that such features are well known in the art citing Shuen as an example. To the extent that the Examiner

is asserting Official Notice of such features, Applicant specifically rejects such a contention. Further, if Examiner is asserting Official Notice, Applicant respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP §2144.03.

While Shuen teaches basic peer-to-peer networks, it does not teach or suggest peer-to-peer networks between mobile communication devices that are setup specifically on the condition that the second device requires the *same service* as the first device. Claim 1 recites, among other things, “the controller being such as to set up a peer-to-peer connection between a first mobile communication device already receiving a data communication supplying a given service and a second mobile communication device *requiring that service*.” (emphasis added).

Establishing peer-to-peer network based on the express condition that the same service be given is what allows the bandwidth to be more efficiently managed, resulting in an improved Quality of Service (QoS) factor in the network. Shuen *does not* set up peer-to-peer networks in this manner. Shuen merely discloses that “access points 312 in a network 300 allow mobile hosts 320 to communicate with services in the internetwork 302.” (Col. 21, lines 34-47). No mention is made of a controller setting up a peer-to-peer network based on a predetermined condition, let alone one requiring use of *identical services* by each device. Accordingly, Shuen does not teach or suggest the above-references features as asserted by the Examiner. Independent claims 1, 15, and 16 and the corresponding dependant claims should therefore be allowed.

The Examiner further cites Naghian (U.S. Publ. No. 2004/0203787 A1) as disclosing the above-referenced features being claimed by Applicant. However, Naghian also fails to teach or suggest these features. Similar to Shuen, Naghian also discloses peer-to-peer networks, but only as a general network configuration. See for example, paragraph [0051] – “Some WLAN devices support also peer-to-peer communication even inside infrastructure network.”


The feature of creating such a peer-to-peer network on the condition that two devices are requesting the same services is not disclosed in Naghian. Since neither Shuen nor Naghian teach or suggest the claimed features described above, it is respectfully requested that the corresponding rejection be withdrawn.

Claims 7 and 20 stand rejected under 35 U.S.C. §103(a) as they depend from independent claim 1. Since the rejection of claim 1 should be withdrawn based on the arguments above, it is further requested that the rejections of claims 7 and 20 be withdrawn.

For the foregoing reasons, the Applicant respectfully submits that all pending claims are in allowable form and requests that all claims be reconsidered and allowed. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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